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New York

President: Mr. Essy ..... (Côte d'Ivoire)

In the absence of the President, Mr. Blandino Canto (Dominican Republic), Vice-President, took the Chair.

The meeting was called to order at 10.25 a.m.

Agenda item 35

Law of the sea

Report of the Secretary-General (A/49/631 and Corr.1)

Draft resolution (A/49/L.47)

The President (*interpretation from Spanish*): I call on the representative of Fiji to introduce draft resolution A/49/L.47.

Mr. Nandan (Fiji): No single subject has more consistently preoccupied the General Assembly throughout its 50 years of existence than the international law of the sea.

This is a very special year for the Assembly as it considers the item "Law of the sea", for it marks the fulfilment of a longstanding aspiration of the Assembly to achieve a universally acceptable set of principles and norms that would govern all uses and resources of the oceans. This is also a year in which, on 16 November 1994, the Assembly saw the entry into force of the 1982 United Nations Convention on the Law of the Sea. It is a year in which the Assembly itself, on 28 July, adopted an Agreement to resolve the outstanding issues relating to the regime for the mining of the deep seabed — part XI of the Convention — paving the way to universal participation in the Convention. Indeed, this is a year in which the General Assembly is witnessing the international community united behind the 1982 United Nations Convention on the Law of the Sea.

As it begins to celebrate its fiftieth anniversary, the United Nations can look back with a sense of accomplishment and pride at its achievement in fostering the rule of law over approximately 71 per cent of the Earth's surface. This is a remarkable achievement by any standard, especially when one looks at it in its proper historical perspective.

The law of the sea, as we know it today, has been more than four centuries in the making. Throughout this period, there has never been such a level of unanimity on what constitutes the law of the sea as there is today. Moreover, there has never been such a comprehensive and universally supported treaty on the law of the sea, a treaty to which so many States are ready to adhere. There are already 67 States that have deposited their instruments of ratification, accession or acceptance. From the indications given by States, this number should be closer to 100 by this time next year.

There have been four major official attempts to codify the rules of the international law of the sea. One was initiated by the League of Nations and the others were initiated in the General Assembly. The latter were

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the First, Second and Third United Nations Conferences on the Law of the Sea. Unfortunately, the Conference convened by the League of Nations in 1930 at The Hague did not succeed in adopting a convention on territorial waters and ended in failure.

Over the past half-century, the General Assembly has played a pivotal role in guiding, shaping and influencing the development of the law of the sea. Immediately after the first election of the International Law Commission (ILC), in 1947, the Assembly mandated the Commission to prepare draft articles in order to codify two very important aspects of law of the sea: the regime of the high seas and the regime of territorial waters. The Commission's report and the draft articles contained in it became the basis of the work of the First United Nations Conference on the Law of the Sea, which was convened in 1958. That Conference succeeded in adopting four Conventions: the Convention on the Territorial Sea and Contiguous Zone, the Convention on the High Seas, the Convention on the Continental Shelf, and the Convention on Fishing and Conservation of the Living Resources of the High Seas.

The one major problem which the 1958 Conference could not resolve was the same as that which had frustrated the 1930 Hague Conference: the breadth of the territorial sea. In a further effort, the General Assembly convened the Second United Nations Conference on the Law of the Sea, in 1960, to deal with this issue and the related question of fishery limits. That Conference also failed to agree on the breadth of the territorial sea and a fishery zone.

These issues, together with a host of related issues and some new ones, such as those concerning the resources of the deep seabed, which were not previously considered became the mandate of the Third United Nations Conference on the Law of the Sea, which the General Assembly took the initiative to convene in December 1973. That Conference concluded its work in 1982, with the adoption of the 1982 United Nations Convention on the Law of the Sea. For the most part, this comprehensive Convention is the result of consensus. The differences which persisted after 1982 related to certain provisions in the regime for the mining of minerals from the deep seabed. Happily, these were resolved with the adoption by the General Assembly on 28 July 1994 of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.

The General Assembly has considered the law of the sea in one form or other annually since 1967. From 1968 until today the Ad Hoc Committee to Study the Peaceful Uses of the Sea-bed and the Ocean Floor beyond the Limits of National Jurisdiction, the Seabed Committee, the Third Conference, and, from 1983, the Preparatory Commission for the International Seabed Authority and the International Tribunal for the Law of the Sea have successively met in two sessions a year.

That chronology of events shows the importance which the international community has attached to the law of the sea and the persistence with which the General Assembly has pursued it over the past 50 years.

The events which finally led up to the adoption of the 1982 Convention highlight the historical context in which the General Assembly is examining the item on the law of the sea today. It also underscores the importance of the achievement of a goal which had eluded the international community for centuries. Its importance also lies in the fact that the legal regime for the oceans that has been established through the Convention reflects the aspirations of all members of the international community of today. It reflects the aspirations of the major maritime Powers with global interests, as it also reflects the aspirations of small developing countries concerned with their safety and security, control over the resources in their adjacent seas and the health of the marine environment. It responds to the needs of coastal States and it also addresses the needs of landlocked States. The Convention has already become a cornerstone for the conduct of relations on maritime issues among States and it is a major contribution to the maintenance of global peace and security. It represents an outstanding achievement of this Organization.

At this very historic time in the development of the law of the sea, the delegation of Fiji considers it a privilege and an honour to introduce, on behalf of its sponsors, the draft resolution contained in document A/49/L.47 dated 2 December 1994, which was submitted under agenda item 35, entitled "Law of the Sea".

It is significant that this year's draft resolution is sponsored by delegations from all regions of the world. It includes those delegation of States which are parties to the Convention and those of States which are not, and a number of delegations of States which in previous years opposed or otherwise expressed reservations on resolutions on the law of the sea.

My delegation is therefore pleased to introduce the draft resolution on behalf of the following sponsors, in

addition to Fiji: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Brazil, Cameroon, Canada, Côte d'Ivoire, Cyprus, Egypt, Finland, France, Germany, Guyana, Iceland, Indonesia, Ireland, Italy, Jamaica, Kenya, Malaysia, Malta, Marshall Islands, Mauritania, Mexico, the Federated States of Micronesia, Myanmar, Namibia, the Netherlands, New Zealand, Nigeria, Norway, Paraguay, Senegal, Singapore, Sri Lanka, Sweden, Uganda, the United Republic of Tanzania, the United States of America, Uruguay and Vanuatu. Since the draft resolution was issued, the following States have become sponsors: Comoros, Denmark, Japan, Mauritius, the Republic of Korea, and the United Kingdom.

This draft resolution was carefully examined in open-ended informal meetings, and a broad agreement was reached on all its aspects before it was submitted as an official document. It is a relatively long draft resolution and it is therefore not my intention to deal with every paragraph, since much of it is self-explanatory.

In adopting the draft resolution, the General Assembly would underscore the importance of the Convention and recognize its universal character. It would welcome the adoption on 28 July 1994 of the Agreement relating to the Implementation of Part XI of the United Nations Convention. In this regard, I should mention that for the past several years the General Assembly has urged States to make renewed efforts to achieve universal participation in the Convention by addressing the outstanding issues relating to the regime for the mining of minerals from the deep-sea-bed, which had inhibited a number of States from becoming parties to the Convention.

Under the draft resolution the General Assembly would recall the historic significance of the Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world. It would also recognize the entry into force of the Convention on 16 November 1994 as a historic event in international relations and in the development of international law. In doing so, it would express its profound satisfaction at the Convention's entry into force and call upon all States that had not done so to become parties to the Convention and the Agreement of 28 July 1994.

Further, the Assembly would welcome the holding of the first meeting of the International Seabed Authority at its headquarters in Jamaica, and express its satisfaction at the establishment of the Authority. I should like to take this opportunity to congratulate the Government and people of Jamaica on their warm hospitality and efficient organization of the inaugural meeting of the Authority.

In operative paragraph 9, the Assembly would request the Secretary-General to implement the decision of the General Assembly contained in paragraph 8 of its resolution 48/263 of 28 July 1993, which provides that the administrative expenses of the Authority shall initially be met from the regular budget of the United Nations.

The Assembly would also welcome the first meeting of States parties to the Convention concerning the establishment of the International Tribunal of the Law of the Sea, held in New York on 21 and 22 November 1994, and it would express its satisfaction at the progress being made in the establishment of the International Tribunal for the Law of the Sea and the Commission on the Limits of the Continental Shelf.

Under the draft resolution, the Assembly would request the Secretary-General, from within existing resources, to convene a meeting of States parties relating to the organization of the International Tribunal for the Law of the Sea in New York from 15 to 19 May 1995 and, pursuant to the recommendations of the Preparatory Commission and the decision of the meeting of States parties, to designate, before 16 May 1995, a United Nations staff member, with secretariat support, to be charged with making preparations of a practical nature for the organization of the Tribunal, including the establishment of a library. In this regard, in my capacity as President of the meeting of States Parties, I should like to take this opportunity to place on record that States parties to the Convention have agreed to a one-time deferment of the first election of the members of the Tribunal until 1 August 1996. Through you, Mr. President, I would request the Secretary-General to take note of this important decision of States parties as he proceeds to implement the responsibilities assigned to him under the Convention with respect to the first election of the members of the Tribunal.

While States parties to the Convention constitute the supreme body in relation to the Convention, the Convention does envisage a continuing role for the United Nations by assigning a number of functions to the Secretary-General which go beyond the usual depository functions. At the same time, the General Assembly is the only global body that has the competence to review developments relating to the law of the sea on a regular basis. Thus, in operative paragraph 12 of the draft resolution, the General Assembly would recognize the

importance of an annual consideration and review of developments in the law of the sea and it would decide to undertake such an annual review and evaluation. The Assembly would express its appreciation to the Secretary-General for his report under agenda item 35, pursuant to resolution 48/28, and request him to carry out the activities aimed at the strengthening of the legal regime of the seas and oceans.

In operative paragraph 15, the Assembly would reaffirm the responsibilities entrusted to the Secretary-General upon the adoption of the Convention, and request him to fulfil the functions consequent upon the entry into force of the Convention. The precise mandate of the Secretary-General is enumerated in subparagraphs (a) to (h) of operative paragraph 15 and, *inter alia*, in operative paragraph 16.

In operative paragraph 22, the Secretary-General is asked to take fully into account the requirements under the Convention and the present resolution in the preparation of an integrated programme on ocean affairs and law of the sea, which should be duly reflected in the proposed programme budget and the medium-term plan.

In operative paragraph 14, the Assembly would note with appreciation the functions and role of the Division for Ocean Affairs and the Law of the Sea, which has contributed much to the wider acceptance and rational and consistent application of the provisions of the Convention. Over the years, the secretariat for the law of the sea has played an invaluable role. It served the Conference and then the Preparatory Commission effectively for many years. It has been a catalyst for the law of the sea at a time of division and despair among States. Its studies, information, technical guides and annual reviews of oceans law and policy and the Secretary-General's annual report on the law of the sea have been of tremendous benefit to States that, otherwise, would not have the facilities to obtain such materials. The secretariat has also supported national and regional initiatives of states in the implementation of the Convention.

All these efforts deserve our praise and appreciation. It is not without good purpose, therefore, that the mandate of the secretariat is being reaffirmed. As we express our appreciation to the secretariat, it is worth noting at this time, when the international community is entering into a new phase in relation to the law of the sea, that it is important that the secretariat examine its own management and operations to ensure that it is in a position to respond constructively and effectively to the needs of the international community that it is to serve. A cohesive, efficient and representative secretariat, one which discharges its responsibilities objectively, is essential if Member States are to repose their confidence in it.

It is important, therefore, for the secretariat to ascertain whether there is any sense of division or alienation within itself and whether its morale needs to be improved. I urge the Under-Secretary-General for Legal Affairs to look into this matter personally. Member States have provided the secretariat with a clear mandate and a sense of direction, and it is now for the secretariat to provide an effective and united response.

Mindful of the increasing needs of States, especially developing States, for advice and assistance in the implementation of the Convention, and to develop and strengthen their capabilities so that they may benefit fully from the legal regime for the seas and oceans, the resolution would also ask the Secretary-General to ensure that the secretariat's institutional capacities can adequately respond to the requests of States — in particular, developing States — both at the national level and in their subregional and regional efforts to implement the Convention.

It should be recalled that, throughout the Convention, States are urged to cooperate with each other at subregional and regional levels in order to give effect to many of the principles contained in the Convention. Conditions should be created to enable States to feel more confident about coming to the Division for Ocean Affairs and the Law of the Sea for such advice and assistance.

Related to this matter is an invitation to competent international organizations and funding institutions to take specific account, in their programmes and activities, of the needs of States, especially developing States, for technical and financial assistance and to support subregional and regional initiatives aimed at effective implementation of the Convention. It is expected that the Secretary-General, as is the practice, will draw the attention of the relevant international institutions and bodies to this and other appropriate provisions of the draft resolution.

By the resolution the General Assembly would also request the Secretary-General to prepare two reports. In operative paragraph 19 a report is requested on the impact of the entry into force of the Convention on related existing or proposed programmes throughout the United Nations system, for submission to the General

Assembly at its fifty-first session. In paragraph 23 the Secretary-General is requested to provide, for consideration by the General Assembly, an annual report, as from the fiftieth session, on developments pertaining to the implementation of the Convention, as well as on other developments relating to ocean affairs and the law of the sea and on the implementation of the proposed resolution.

Finally, the General Assembly would decide to include in the provisional agenda of its fiftieth session the item entitled "Law of the sea".

On behalf of its sponsors, I commend draft resolution A/49/L.47 to the General Assembly and express the hope that it will be adopted by consensus.

The President *(interpretation from Spanish)*: I should like now to propose that the list of speakers for the debate on this item be closed now.

It was so decided.

Mr. Gelber (United States of America): My Government is pleased to be a sponsor of the draft resolution on the law of the sea (A/49/L.47) and to support its adoption. The United States has long been committed to the goal of a comprehensive and widely accepted treaty on the law of the sea. Failure in 1992 to achieve consensus on the regime governing the mineral resources of the deep seabed threatened the achievement of this objective. However, the successful conclusion, last July, of the implementation Agreement reforming the Convention's seabed-mining provisions has now opened the way for universal acceptance of the Convention.

The entry into force of the Convention on the Law of the Sea on 16 November 1994 was a milestone in the international community's quest to apply the rule of law to the world's oceans. The draft resolution before the Assembly today appropriately calls attention to that significant event. But the draft resolution does more: it welcomes the fact that the Convention has entered into force with the prospect of the widespread support necessary for its full and effective implementation. In this regard, I am happy to report that on 7 October 1994 President Clinton transmitted the Convention and the Agreement relating to the implementation of Part XI to the United States Senate for its advice and consent.

Three weeks ago my Government was pleased to take part in the inaugural session of the International Seabed Authority at its headquarters site in Kingston, Jamaica. The steps necessary for the commencement of the Authority — a free-standing and independent international organization — are addressed in the implementation Agreement itself and in the recommendations of the Preparatory Commission, endorsed by the General Assembly in July. The draft resolution accurately reflects and reiterates the call for implementation of those steps. As my delegation did in Kingston, I underline how important it is that the Authority should launch its work in cost-effective and efficient fashion, consistent with the evolutionary approach upon which we have all agreed.

In addition, the draft resolution reflects the results of the meeting of the States parties to the Convention with respect to the International Tribunal for the Law of the Sea. We welcome the agreement reached by the States parties providing for deferral of the first election of the judges of the Tribunal. In our view, the deferral will promote fulfilment of the criterion enunciated in the Convention that the International Tribunal for the Law of the Sea be so constituted as to ensure representation for the world's major legal systems, as well as equitable geographical representation.

While these recent events are indeed memorable, the draft resolution does not just look back. It looks forward to a new era for the oceans. The agenda item on the law of the sea is concerned with the complete Convention — the broad range of issues that relate to ocean affairs and the law of the sea. The Convention codifies and elaborates generally recognized principles of customary international law. Many States, including my own, have been acting in accordance with these principles for some time. However, full realization of the many benefits of the Convention will require sustained and collective efforts by States.

Thus, it is appropriate that this year's draft resolution concentrates upon implementation of the Convention as a whole and the future implications of its entry into force for the United Nations, as well as for its individual Members.

The draft resolution sets in motion the steps necessary for the Secretary-General to carry out the responsibilities set forth in the Convention, triggered by its entry into force, and reiterates the importance of the work necessary to support the Convention's implementation by Member States. My delegation would like to echo the draft resolution's endorsement of the excellent work of the Division for Ocean Affairs and the Law of the Sea. The importance of these activities can

only grow with the entry into force of the Convention. The practical requirements of promoting and assisting State practices in accordance with the provisions of the Convention highlight the importance of the Division's work as we move into a new age.

The draft resolution recognizes in practical terms the value of the Convention as a comprehensive legal framework for the oceans. Thus, we find most appropriate the draft resolution's provision that the annual agenda item on the law of the sea should serve as an opportunity for Members to take an overview of the implementation of the Convention, and of oceans and law of the sea matters generally. We believe that this offers States an important opportunity to coordinate and avoid duplication in addressing the increasingly complex problems of the use and conservation of the oceans as we move into the next century.

In conclusion, my delegation is both proud and pleased to finally be able to join the other sponsors of the annual draft resolution under the agenda item on the law of the sea. In view of the great success that has been achieved in resolving the differences between Member States on the implementation of the Convention on the Law of the Sea, we hope that all delegations will be able to support this year's draft resolution and that together all the members of this great Assembly may enjoy the benefits that will flow from peace and justice on the oceans secured by universally accepted legal principles.

Mr. Mwakawago (United Republic of Tanzania): It is an honour and a privilege for me to address the Assembly on behalf of my Government on agenda item 35, the important item on the law of the sea. This is a truly historic occasion.

In December 1982 the United Nations Convention on the Law of Sea was signed by 119 delegations on the first day it was opened for signature. Two years later, in December 1984, 159 States and other entities had already signed the Convention.

Today, after 12 years, we are pleased to participate in this debate fully aware that this historic Convention has since entered into force. The commemoration which took place in Kingston, Jamaica, last month is a reminder to the international community of the difficult process of negotiations which led to this momentous achievement. The world will remember the words of Ambassador Pardo of Malta in 1967 when he spoke to this very body about the need for reserving the seabed and its resources for the exclusive use of mankind as a whole. My delegation pays tribute to Ambassador Pardo, whose vision 27 years ago set in motion the codification and development process of a legal instrument which we can all look at now with pride and heightened expectations.

The Convention contains very innovative provisions on such matters as exclusive economic zones, transit passage, archipelagic waters, marine scientific research and protection of the environment. It is an instrument that cuts across developing and developed countries, big and small, and integrates diverse interests and geographical peculiarities of participating States. The Convention also contains a comprehensive and binding system of dispute settlement.

As we assemble here today, it is satisfying to note that the international community is now set to begin the task of application of a Convention which now enjoys a wide range of support among Member States following the adoption of the implementation Agreement on Part XI last July. We note with satisfaction that this Agreement has upheld the important principle that the resources of the seabed area beyond national jurisdiction are the common heritage of mankind and should be used for the benefit of all humanity.

We would like to commend the relentless efforts of the former Secretary-General, Mr. Javier Pérez de Cuéllar, and the present Secretary-General, Mr. Boutros Boutros-Ghali, who successfully facilitated negotiations between the industrialized countries and the developing countries, which culminated in a delicate understanding embodied in the implementation Agreement on Part XI. It is because of these initiatives and the changed international climate that today we can see the light at the end of the tunnel, with universal participation in the implementation of the Convention.

The mandate for ensuring that the seabed and its resources are used for the benefit of all mankind has been entrusted to the International Seabed Authority. The Authority came into being when its first assembly met on the day of entry into force of the Convention, as provided for in article 308, paragraph 3. My delegation welcomes the pioneering role played by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, which we had the privilege to chair in its initial years. Its comprehensive work in the preparation of the structure and foundation of the Authority and the International

Tribunal for the Law of the Sea is particularly commendable.

For almost 11 years the Preparatory Commission has successfully discharged its mandate, and in the absence of the Seabed Authority it also implemented resolution II of the Conference on pioneer investment, including the provision for resolution of conflicts of overlapping seabed claims, registration of pioneer investors and training.

The conclusions of the recent meeting of States parties to the Convention on the Law of the Sea, held on 21 and 22 November 1994, merit undivided attention. The meeting postponed the elections of judges to the International Tribunal to August 1996 in order to give time to those countries which are now in the process of finalizing their ratification procedures.

We believe that this demonstrates yet again the desire of the international community to have a Convention that is not only universally acceptable but applicable to all nations as well.

Apart from part XI, which had caused problems to some signatories, the rest of the Convention has all along enjoyed wide acceptability. It will be recalled that in his report (A/47/512) of November 1992 the Secretary-General had emphasized that the Convention remained a widely appreciated and useful instrument for States. That report, which was prepared to commemorate the tenth anniversary of the adoption of the Convention, also listed a number of countries that had adopted — or modified — their domestic legislation in accordance with the provisions of the Convention. Therefore, the Convention's entry into force takes place on the firm legal foundation of State practice in matters related to marine affairs.

At the regional level the Sri Lanka-based Indian Ocean Marine Affairs Cooperation (IOMAC) is yet another example of an institution established in accordance with the Convention well before its entry into force. Over the past 12 months the number of ratifications of the Agreement establishing IOMAC has increased from two to five. This shows the desire of the States surrounding the Indian Ocean to join in the new-found resolve of the international community to implement this new legal regime fully.

IOMAC, which was established in 1990 in Arusha, Tanzania, has made encouraging progress in a number of fields, including in particular technical cooperation, shipping, port development and marine science. When the Agreement establishing it finally enters into force it is certain that the coastal and hinterland States of the Indian Ocean will derive tangible long-term benefits from its activities. Tanzania is honoured to be the Chairman of this important regional institution.

Oceans have for centuries served as a means of communication and promotion of commerce through cooperation. They also bring countries together in order to promote international peace and security. The Convention further enhances the international community's capacity for increasing cooperation, reducing tensions and fostering preventive diplomacy, peacemaking and peace-keeping, as well as contributing to socio-economic development.

Tanzania wishes to reiterate the widely shared conviction that oceans should be used for peaceful purposes and for the benefit of all mankind. It is already becoming clear that as land-based resources dwindle a rush for the resources of the sea is inevitable. Only an international legal regime governing the utilization of the seas can guarantee their peaceful use on an equitable basis.

In conclusion, my delegation wishes to pay tribute to the late Ambassadors Shirley Amerasinghe of Sri Lanka and Bernard Zuleta of Colombia, whose major contributions to the codification process of the law of the sea will continue to be remembered as we embark on the implementation of the Convention.

As in previous years, Tanzania has joined other countries in sponsoring the draft resolution under this item.

Mr. Sardenberg (Brazil): The efforts undertaken by the international community to codify and develop the law of the sea have clearly paid off. The United Nations Convention on the Law of the Sea, which entered into force last month, is in all aspects the most comprehensive multilateral treaty ever achieved. We have at our disposal a legal regime that regulates human activities in an area encompassing two thirds of our planet. The establishment over the past few years of a just international order in the oceans and the achievement of its universality have produced an instrument that will certainly endure.

The Convention is increasingly being used to support regional initiatives, such as the zone of peace and cooperation of the South Atlantic, to which Brazil belongs. In the third meeting of its member States of the zone, which was held at Brasilia in September, the

participants adopted a declaration on the marine environment in which it is stated that the countries of the South Atlantic should exchange information and render mutual assistance on practical matters relating to the implementation of the Convention, in particular national legislation on such areas as the development of skills and capabilities in the marine sector and the protection and preservation of the marine environment.

For a long period of time part XI of the Convention was a major obstacle to the developed countries' joining us in accepting the Convention in its entirety. While part XI should be understood as an integral part of the Convention, which reflects the current status of ocean-related issues, in fact it regulates in detail an activity which is not yet under way and is expected to take some two decades to have any commercial impact. The core of the difficulties had been how to accommodate the views of the industrialized countries and developing States with regard to the provisions of part XI, the limitations imposed upon a ratifying State and the recognition that in practice the deep-sea-bed mining provisions of the Convention could not be fully applied.

The recognition of certain shortcomings of part XI in the absence of any mineral-resource activity should in no way be interpreted as support for the detractors of its provisions. We have consistently viewed it as an adequately drafted text, but the evolution of the world economic situation has rendered its full implementation somewhat premature. Nevertheless, the institutional framework envisaged by the Convention should be preserved. To do otherwise would be inconsistent with the goals envisaged by the framers of the Convention, which saw it as a realization of the fundamental principle of the common heritage of mankind.

The recent developments in the law of the sea are the product of recognition of the fact that some changes had to be made in the architecture of the Convention in order to achieve its universality. A far-reaching legal instrument such as this must count on the support of the international community as a whole in order to achieve its noble purposes. Its uniqueness, originality and comprehensiveness could have been put at risk had a compromise not been reached.

With this in mind, Secretary-General Pérez de Cuéllar convened from 1990 on a series of informal consultations — meetings that were intensified under Secretary-General Boutros Boutros-Ghali — that were aimed at finding a common ground between the positions of developing countries and those of developed countries on issues that were hindering the prospects for the Convention's universality. Painstaking discussions were held in which issues were identified and suggestions were made, and, ultimately, an agreement was reached.

The agreement represents a compromise between divergent views and does not fully satisfy the interests of any one particular State. Nonetheless, my delegation would like to underscore some of the views which it regards as fundamental and which should not be undermined. The institutions created by the Convention should be made fully operational, although in an evolutionary manner and one consistent with the objective of cost-effectiveness. The concept of the common heritage of mankind should remain at the core of our discussions and must in no way be put at risk.

The agreement seeks to implement certain provisions that delegations felt could best be applied by the adoption of a set of articles that in no way are intended to amend the text of the Convention. The main purpose of the implementation agreement was to get on board delegations that could not go along with the provisions of Part XI but at the same time take into account the legal and conceptual difficulties of States that had already ratified the Convention would have in changing a text to which their legislatures had already given their approval.

Some have insisted on the notion that the Convention has been "amended", and that Part XI should be applied "as amended". We see this as loose language that might suit certain purposes, but the fact remains that the Convention has not been amended. Article 2 of the implementation agreement clarifies this when it states that

> "The provisions of this agreement and Part XI shall be interpreted and applied together as a single instrument". *(resolution 48/263)*

A word of praise is in order for the report of the Secretary-General contained in document A/49/631. It usefully summarizes the major developments relating to the United Nations Convention on the Law of the Sea, as well as the important activities which are being carried out by the Division for Ocean Affairs and the Law of the Sea, under the competent supervision of Mr. Hans Corell, Mr. Jean-Pierre Levy and their staff.

The report clearly demonstrates the fact that the Convention provides the mechanism for addressing all ocean-related issues under conditions of peace and

cooperation. As the Secretary-General pointed out in his report on an agenda for development, quoted in the report on the Law of the Sea

> "'the Convention provides a universal legal framework for rationally managing marine resources and an agreed set of principles to guide consideration of the numerous issues and challenges that will continue to arise. From navigation and overflights to resource exploration and exploitation, conservation and pollution and fishing and shipping, the Convention provides a focal point for international deliberation and for action'". *(A/49/831, para. 5)*.

Brazil is one of the sponsors of the draft resolution before us. It represents a balanced and carefully drafted text that deserves the support of this General Assembly. On the one hand, it ensures the proper autonomy and independence of the institutions created by the Convention, and on the other requests the Secretary-General to continue to implement fully the responsibilities entrusted to him upon adoption of the Convention and to fulfil the functions consequent upon the entry into force of the Convention.

On 16 November 1994, in Jamaica, a sister country of the Latin American and Caribbean Group of States, the first meeting of the International Seabed Authority was held in the presence of the Secretary-General and many dignitaries. Brazil was proud to participate in that historic moment.

All those who took part in the negotiation process have high expectations as regards the entry into force of the Convention. Now it is up to us all to establish an active and operational Authority, through the full implementation of the principle of the common heritage of mankind.

The oceans are to be used with equity and justice for all. Let us put into reality the prospects of peace and cooperation envisaged in the United Nations Convention on the Law of the Sea.

Mr. Lamamra (Algeria) (*interpretation from French*): Consideration of agenda item 35 at the forty-ninth session of the General Assembly entitled "Law of the sea" comes at one of those rare moments in history which are particularly favourable both for taking stock and for looking to the future, for it coincides with a job well done and the dawn of a new and promising phase.

In truth the long-awaited entry into force of the United Nations Convention on the Law of the Sea is indubitably the truly historic incarnation of an exceptional process in the progressive development and codification of international law because of the scope, diversity and complexity of the issues codified and because of the future and potential of the 1982 Convention.

This global and integrated vision fully justifies the description of the Convention as a genuine constitution for the seas and oceans. Apart from the specific rules and norms it establishes in very different areas relating to the sea and ocean spaces, the Convention offers instruments and review mechanisms, as well as guidance and very valuable reference points for development, strengthening and consolidation of international cooperation in the maritime area, in all of its aspects.

Lastly, the exceptional nature of the 1982 Convention derives from the humanist and pioneering vision of the exploration and exploitation of marine wealth beyond the limits of national jurisdiction, a vision which the concept of the common heritage of mankind has codified by giving it legal force *erga omnes*, making it, as we see it, quite naturally fall into the area of *jus cogens* or a mandatory norm of general international law.

For all of these reasons we would like once again to express our admiration and gratitude to all those who foresaw, and those who helped to build, a modern and universal law of the sea. Their forward-looking vision, their keen sense of the higher interests of mankind as a whole, along with their undeniable legal rigour, have made it possible to provide the international community with a binding legal instrument which is unique in many respects.

The perfectly legitimate feeling that we have done our duty should not make us complacent. On the contrary, it should stimulate us to try truly to live up to the hopes borne of the conclusion and entry into force of the 1982 Convention. In this connection, my delegation welcomes the opening of the first session of the International Seabed Authority's assembly, the resumption of which on 27 February next in Kingston will, if there is real political will, no doubt, enable us to provide the final impetus needed for the actual and resolute implementation of one of the main aspects of the 1982 Convention. The delegation of Algeria will make a constructive contribution and on the basis of the necessary respect for the spirit and letter of the relevant provisions of the 1982 Convention, whose unanimously recognized unified character must be truly protected.

Apart from the establishment of the International Seabed Authority, the entry into force of the 1982 Convention has another major implication at the institutional level. In this connection, my delegation welcomes progress made in preparations for the establishment of the International Tribunal for the Law of the Sea, in particular, the timely decisions taken at the ad hoc meeting of States parties to the Convention in New York on 21 and 22 November 1994, where States not yet parties were able to participate as observers. The decision to postpone the election of 21 judges for the Tribunal seems to us to be a wise move for it makes it possible to work to promote the representativeness and universality of the Tribunal through its membership.

Draft resolution A/49/L.47, which was lucidly introduced by Ambassador Nandan of Fiji and which Algeria has joined in sponsoring, rightly stresses the role the United Nations will continue to play after the entry into force of the United Nations Convention on the Law of the Sea. In that connection, we think the General Assembly must continue its annual review of all developments relating to the law of the sea on the basis of a comprehensive annual report of the Secretary-General. That review will be all the more valuable after the establishment of all the organizations and bodies provided for in the Convention, for it will help us preserve a comprehensive view and an interdependent approach to all issues relating to the law of the sea, while respecting the areas of competence of each organization.

Consideration of this year's report confirms the relevance of that approach, if such confirmation were needed; the report is full of most useful information on various matters such as State practice in the area of national legislation, maritime disputes between States, the convening of international conferences, maritime safety, marine environmental protection and crime at sea. Hence, my delegation welcomes the comprehensiveness of the Secretary-General's report, which facilitates integrated study of all sea-related issues and enables the paramount universal forum, the General Assembly, to outline recommendations to influence the practice of States and other relevant international organizations.

I want to note that on 28 May 1994, as indicated in the report of the Secretary-General, Algeria established an exclusive fishing zone in order better to protect and conserve its national fishery resources. That decision was based on our political determination to preserve our national fishery resources, on which some 2 million people depend. Moreover, that decision will not affect the legitimate interests of foreign fleets authorized under the recent Algerian Government decision to operate in our fishing zone subject to the granting of the appropriate licenses. Finally, the decision does not imply any extension of Algeria's national territorial waters, whose limit remains at 12 nautical miles in conformity with the relevant provisions of the United Nations Convention on the Law of the Sea.

I wish to conclude by reaffirming that the Algerian delegation is ready and willing to continue contributing to the General Assembly's consideration of this very important item, in which Algeria — a coastal State on a semi-enclosed sea, the Mediterranean, with a 1,200-kilometre coast, but also a geographically disadvantaged developing State under the terms of the 1982 Convention — takes a particular interest.

Mr. Yoo (Republic of Korea): Last month, in Kingston, Jamaica, the international community celebrated the entry into force of the United Nations Convention on the Law of the Sea and inaugurated the International Seabed Authority, which was established under the Convention. The delegation of the Republic of Korea was pleased to take part in that historic occasion and to bear witness to the opening of a new chapter in the history of the law of the sea.

The United Nations Convention on the Law of the Sea is a monumental achievement. It addresses all aspects of human activity relating to the oceans: navigation and overflights, conservation and pollution control, fishing and shipping, resource exploration and exploitation, scientific research and the settlement of disputes. It also strikes a fair balance between the competing interests of coastal and user States. Accordingly, my delegation believes the Convention's entry into force will significantly contribute to the stabilization of the maritime legal order world wide and to the formulation of an equitable solution on resource allocations among States.

While the Convention itself was the product of arduous negotiations and tireless efforts spanning a decade, its actual entry into force consumed another 12 years, primarily due to divergences between States on the issue of a deep seabed development system. These differences, which stood as the primary obstacle to securing the universality of the Convention, were overcome through the adoption last July of the Agreement relating to the Implementation of Part XI of the Convention. With the application of the Agreement on a provisional basis starting from 16 November 1994,

the date of the Convention's entry into force, the international community was finally able to effect a comprehensive and applicable legal norm governing the oceans.

Although the Convention's entry into force marks a new era in the use and development of the oceans, my delegation considers that the international community still has a number of issues to address in its actual application. In particular, the development of harmonized State practices through equitable, consistent and coherent application of the Convention remains a key challenge. In this regard, my delegation feels that the active assistance of the United Nations is critical as the international community tackles these future tasks.

The number of parties to the Convention currently stands at 69, a figure which is slightly more than a third of the States Members of the United Nations. Accordingly, the Convention's universality is still far from being realized. For its part, the Republic of Korea has been preparing for the ratification of the Convention over the past several months and is awaiting approval by its National Assembly at its next session. In addition, my Government is planning to review existing domestic laws and regulations relating to maritime affairs and to harmonize them with the Convention. We hope to join the ranks of States Parties to the Convention at the earliest possible time.

My delegation would like to express its satisfaction at the outcome of the ad hoc meeting of States Parties to the Convention, held on 21 and 22 November 1994, concerning the establishment of the International Tribunal for the Law of the Sea. At that meeting, States Parties and States not parties reached a consensus on a one-time deferment of the election of 21 judges of the Tribunal. My delegation considers that the election date agreed upon, 1 August 1996, is reasonable in the light of the current status of the Convention. In order for the Tribunal to commence on a truly universal basis, States that have not yet ratified the Convention are encouraged to do so as early as possible.

With regard to the next meeting of the States Parties and the first substantive Assembly of the International Seabed Authority, my delegation sincerely hopes to see the international community reach a consensus once again in the spirit of compromise and cooperation concerning the composition of the Tribunal and the Council of the Authority.

Lastly, I note with satisfaction that the Government of the Republic of Korea was formally approved as a pioneer investor by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea at its twelfth resumed session last August. We are proud of our status as a pioneer investor, which was accorded last April by the Technical Expert Group after a thorough examination of our pioneer activities since the mid- 1980s. As a registered pioneer investor, my Government will do its utmost to fulfil its obligations and will remain committed to lending full support to the future activities of the Authority.

Mr. Ould Ely (Mauritania) *(interpretation from French):* The delegation of the Islamic Republic of Mauritania is pleased to participate in the debate on agenda item 35, entitled "Law of the Sea". The debate, which is taking place barely two weeks after the inauguration of the International Seabed Authority in Jamaica, is of particular importance inasmuch as it is the first to be held after the entry into force of the United Nations Convention on the Law of the Sea.

We thank the Secretary-General for his substantive report (A/49/631), which provides us with a good basis for our work.

The entry in force of the Convention on the Law of the Sea on 16 November 1994 clearly marks a major event within the framework of the development and progressive codification of international law.

Indeed, rightly considered as the greatest achievement of the international community since the adoption of the Charter, it has already influenced and will continue greatly to influence the conduct of all States concerning the oceans and seas. In essence, it draws a delicate balance between the differing interests of States and strives to ensure an equitable relationship among them based on their geographic characteristics, their economic conditions and their political needs. The Secretary-General in his report to the forty-eighth session of the General Assembly already predicted that:

> "The entry into force of the Convention will have a marked impact on the practice of States, particularly those which are Parties to the Convention, and the activities of a number of international organizations competent in the fields of ocean affairs." *(A/48/527/Add.1, para. 2)*

This importance of the Convention explains all the efforts undertaken since its conclusion following the Third United Nations Conference on the Law of the Sea in 1982 to resolve difficulties caused by Part XI in order to make it universal. We are thus gratified with the positive outcome of the negotiations which achieved the Agreement concerning the application of Part XI of the Convention, which my country signed on 2 August 1994.

We hope to see the greatest possible number of States become parties to this valuable instrument, one which will not only contribute to the preservation of international peace and international security but also ensure the development and harmonious exploitation of the sea's resources.

Beyond its normative aspect and its positive contribution to the maintenance of international peace and security, the Convention on the Law of the Sea is also an important means to promote the economic and social development of all States and, in particular, of the developing countries. By dealing with subjects as diverse and also as complex as navigation or overflights, the exploration or exploitation of resources, conservation and the campaign against pollution, fishing or maritime transportation, it provides a framework for concerted action in the service of development and, therefore, of peace. It is in this context that my country is participating in, and has the honour of being one of the Vice-Chairmen of, the United Nations Conference on Straddling Fish Stocks, and Highly Migratory Fish Stocks whose migrations take place both within and beyond exclusive economic zones. The conclusions of the Conference, whose aim is to ensure the sustainable exploitation of the sea's resources through rational management and conservation, will doubtless form a valuable supplement to the Convention. That is why we hope that it will achieve a speedy general agreement aimed at reversing the present trend towards the over-exploitation of living marine resources.

The achievement of this goal is all the more urgent and imperative since for a number of countries — and above all the developing countries, such as mine — the exploitation of sea resources has considerable impact on their development and on the well-being of their populations.

The entry into force of the Convention and the establishment of its institutions should in no way diminish the pivotal role the United Nations has always played in activities concerning the sea. In this regard we welcome the Secretary-General's constant interest which he reaffirmed at the formal meeting marking the entry into force of the Convention on 16 November 1994 in Kingston. We believe that, as is emphasized in paragraph 15 of draft resolution A/49/L.47, he must continue to carry out the responsibilities entrusted to him upon the adoption of the Convention and to fulfil the functions consequent upon the entry into force of the Convention. Within this framework, the capacity of the developing countries to benefit from the Convention should be strengthened. While welcoming the work and the role of the Division For Ocean Affairs and the Law of the Sea, we believe it will be necessary to endow it with additional resources to enable it to pursue its activities in this new context.

The major challenge for the international community presented by the entry into force of the Convention is now that of translating into action the principle on which it is based — namely, the common heritage of mankind.

The ocean indeed provides a rich array of resources and possibilities that, if wisely used, could help eradicate malnutrition, alleviate poverty and improve the living conditions of peoples. However, it is of crucial importance to develop new technologies and above all to render consistent technical, scientific and financial assistance to the developing countries in order to enable them to manage and control the resources of their coasts for the benefit of their populations. This assistance, which could have several dimensions, including, for example, support to existing regional and subregional organizations, should be one of the major concerns of the new Authority.

I should like before concluding to pay a particular tribute to the Preparatory Commission of the International Seabed Authority and to the International Tribunal for the Law of the Sea for their work, which today is allowing us to begin the active phase of the convention on a solid foundation. We also pay tribute to the Division of Ocean Affairs and the Law of the Sea, whose continued work over the years has always been a source of inspiration for numerous countries.

Finally, we voice the hope that the new stage marked by the entry into force of the Convention will strengthen the action of the international community in a spirit of solidarity and cooperation so that all peoples may be able to benefit fully from the resources of the sea.

Mr. Ngo Quang Xuan (Viet Nam): This year's discussion by the United Nations General Assembly of the agenda item on the law of the sea is of historic significance. On 16 November 1994, the international community solemnly celebrated the entry into force of the 1982 United Nations Convention on the Law of the Sea and the coming into existence of a new international organization — the International Seabed Authority. These events undoubtedly constitute a major landmark on the path towards the codification and progressive development of international law as a whole and of the international law of the sea in particular. For that reason, we cannot but express our satisfaction at the tremendous and tireless efforts the international community has been making throughout the years and at the historic achievements we have recorded.

We fully share the view, expressed by the Secretary-General of the United Nations at the first meeting of the Assembly of the International Seabed Authority, that the Convention on the Law of the Sea demonstrates what can be achieved when mutual support and mutual respect provide the basis for relations among nations.

The 320-article Convention represents the result of a long process of negotiation among States and reflects a boldly innovative approach to the codification and progressive development of international law.

The Convention establishes a comprehensive set of norms and principles governing various types of activities by States as well as their rights and obligations in the oceans. The Convention resolutely reaffirms the indispensable sovereignty of States over their internal waters and territorial sea. It also resolutely reaffirms the sovereign rights and jurisdiction of coastal States over their contiguous zone, exclusive economic zone and continental shelf. Furthermore, the Convention incorporates and legalizes the status of the seabed and the ocean floor, and the subsoil thereof, that are beyond the limits of national jurisdiction — "the Area" — as the common heritage of mankind.

The respective provisions of the Convention clearly state that all rights to the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. Furthermore, the Convention provides the necessary legal rules for the protection of the marine environment and the conduct of marine research.

The Convention undeniably constitutes a valuable and important contribution to the maintenance of international peace, justice and progress. By adopting, signing and bringing it into effect, the international community is affirming that rules will regulate the conduct of nations in their activities relating to the use of the sea.

As a maritime State with a major interest in the stability of the legal order of the sea, Viet Nam actively participated in the Third United Nations Conference on the Law of the Sea and became party to the Convention on the first day it was open for signature. Our country has adhered to the Convention in letter and in spirit and has gradually harmonized its own national legislation with the relevant provisions of the 1982 Convention on the Law of the Sea. It should be noted that the main content of, and the key norms and principles stipulated in, Viet Nam's legislation for governing the legal status of our country's various maritime areas, such as our internal waters, territorial sea, contiguous zone, exclusive economic zone and continental shelf, as well as human activities in the sea — norms and principles which were enacted even before we ratified the Convention — are similar to the corresponding articles of the Convention.

On 23 June 1994, following extensive preparatory work, the National Assembly of Viet Nam decided to ratify the Convention, thus demonstrating our desire and determination to join the international community in the establishment of an equitable legal order and in the promotion of maritime development and cooperation. In its resolution, the National Assembly mandated the Government to review all relevant national legislation in order to make the necessary amendments to bring it into conformity with the 1982 United Nations Convention and to safeguard the interests of Viet Nam.

Viet Nam appreciates the efforts of the Secretary-General of the United Nations to hold informal consultations with a view to securing more nearly universal participation in the Convention. Our country has participated constructively in the informal consultations conducted at United Nations Headquarters from 1990 to 1994. At the resumed meetings of the forty-eighth session of the United Nations General Assembly, Viet Nam, along with 120 other States, voted in favour of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea.

With regard to paragraph 55 of the report of the Secretary-General entitled "Law of the Sea", (A/49/631), our delegation would like to recall the well-known fact that there exist disputes between Viet Nam and China

over the Hoang Sa (Paracel) Islands and among six parties over the Truong Sa (Spratly) Islands in the Eastern Sea.

In respect to those disputes, we have always advocated and continue to advocate a peaceful settlement. The position of Viet Nam is that the dispute between Viet Nam and China over the Hoang Sa (Paracel) Islands should be settled by peaceful negotiations between the two countries and that the disputes over the Truong Sa (Spratly) Islands should be settled by peaceful negotiations among the concerned parties. Proceeding from that stance, we support the 22 July 1992 Declaration of the Association of South-East Asian Nations on the principles concerning the settlement of disputes in the Eastern Sea.

While it has ratified the United Nations Convention on the Law of the Sea, the National Assembly of Viet Nam once again reaffirms Viet Nam's position that disputes relating to territorial and other claims in the Eastern Sea should be settled through peaceful negotiations in the spirit of equality and mutual respect and understanding and with due respect for international law, particularly the United Nations Convention on the Law of the Sea, and for the sovereign rights and jurisdiction of the coastal States over their respective continental shelves and exclusive economic zones. The parties concerned, while making active efforts to promote negotiations towards a fundamental and long-term solution, should maintain stability on the basis of the status quo and refrain from any act that may further complicate the situation and from the use of force or the threat of force.

The Thanh Long area, where Viet Nam has authorized the Mobil Corporation to undertake exploration activities, and the Tu Chinh area, where we have undertaken and continue to undertake exploration and research activities and where the Crestone Energy Corporation signed an illegal contract for exploration and exploitation in May 1992, are situated completely on the continental shelves of Viet Nam. These areas, also falling under the international law of the sea, do not have any connection with the Truong Sa (Spratly) Islands and therefore cannot be considered as disputed areas. Any claim of sovereignty over maritime areas and continental shelves surrounding the Truong Sa (Spratly) Islands based on the argument of "sovereignty over archipelago" is contrary to international law, particularly the 1982 United Nations Convention on the Law of the Sea.

The international community has come a long way in elaborating the 1982 Convention on the Law of the Sea and bringing it into force, as well as in giving birth to a new international organization, the International Seabed Authority. But there are still many things to be done. Among others, there is an urgent need to make the Convention more universal with every passing day. That is why, at their first meeting, on 21 and 22 November 1994, the States parties decided to postpone the election of 21 judges of the International Tribunal for the Law of the Sea until 1 August 1996, 15 months later than the schedule provided for in the Convention. We sincerely hope that this gesture of flexibility on the part of States parties will facilitate more rapid participation in the Convention.

Our delegation holds the view that, during these very first days of its inception, the Authority needs the support of the international community more than ever. While recognizing that the structure and functioning of the various organs and subsidiary bodies of the Authority should be based on the principles of evolution and cost-effectiveness, we firmly believe that if it is to implement properly those tasks entrusted to it the Authority should be given the necessary support and provided with the necessary means.

Mr. Laing (Belize): Belize fully subscribes to the joint statement on this agenda item to be made during this debate by the delegation of Jamaica on behalf of the States members of the Caribbean Community and Suriname. Jamaica's name was inscribed on the list of speakers for this morning, but due to circumstances beyond its control it will not speak until this afternoon.

Since the mid-1940s, matters relating to the sea have been marked by dynamism. Scientific discovery has been rapid. There have been increases in capabilities for research on and exploitation of living and some non-living resources. Even as new non-maritime transportation and communications modalities have materialized, additional uses for maritime transportation have become manifest, especially in terms of the carriage of toxic and radioactive cargoes and of petroleum by ever-larger ships. As our industrial sectors have expanded, chemical dumping and leaching from land-based and marine sources have increased.

Thus, our seas and oceans have become increasingly busy and degraded as our planet's resources have steadily been further overwhelmed. Regrettably, these developments have coincided with the exponential growth of the global population, which led us earlier this year to the International Conference on Population and Development in Cairo. Population growth and mankind's

increasing voraciousness have led to even more massive pressures on our maritime spaces.

In the setting which I have just roughly described, there is a need for legal regulation. Happily, there has developed a veritable industry for creating law on maritime matters. There are now significant bodies of regulation on marine safety and environmental protection. Such specific baneful uses of maritime spaces as narcotics trafficking and the smuggling of persons are receiving juridical attention. Various species of fish are now the subjects of treaties and regulatory systems, mostly of a regional nature. We are currently drafting a major treaty on straddling stocks.

Most important, we have now entered a remarkable new era with the entry into force of the United Nations Convention on the Law of the Sea. It regulates or clarifies such concepts as "archipelagic States" and "exclusive economic zones". It sets forth progressive regulations for disadvantaged and geographically deprived States. It contains modern rules on the regulation of ships and on jurisdiction concerning the delictual actions of ships and pollution caused by them. Its provisions on the international seabed area are a tribute to the ability of the international community to reach rational agreement even on contentious issues related to resources. Above all, the cornucopia of provisions for dispute-resolution is entirely consistent with the rather decentralized nature of an international legal system groping for some order.

The creation of a multitude of legal rules and normative arrangements is certainly an important aspect of global order. Such written rules are highly desirable in a consensual international system in which tribunals experience difficulties in finding and applying customary norms, which are generally remarkable for their breadth and generality.

Yet the order inherent in the existence of legal norms is inadequate if there does not coexist an appropriately structured and coherent institutional system. The Secretary-General's report reveals that in maritime matters we have a vast array of institutions seeking to accomplish order in ocean space. We can discern a great deal of activity by the United Nations and such agencies as the United Nations Environment Programme, the Food and Agriculture Organization of the United Nations and the International Maritime Organization. The Whaling Commission remains an active agency. So are several regional bodies which deal with fisheries generically or broad species of fisheries or classes of fish. The Seabed Authority comes into being and we are proud to note that it is located in a sister Caribbean and Caribbean Community (CARICOM) State, Jamaica. We also note that the International Tribunal for the Law of the Sea is preparing to step on to the stage. The somewhat random concatenation of all of these bodies suggests that the institutional aspects of maritime order may be inadequately structured. If this is so, it is not a new phenomenon. We encounter it in many branches of international relations. What this delegation would note is that, given the size and importance of ocean spaces, the problem might need to be urgently addressed.

The President took the Chair.

Perhaps we could give thought to devising three possible lines of solution. First, this Organization might consider continuing, through the Division of Ocean Affairs, to perform vital responsibilities as a clearing house and agency for advisory, training, education and dissemination services. Also, naturally, a revamped Economic and Social Council could contribute to the sorely needed coordination which is that organ's responsibility in the global system. Secondly, this delegation envisages the International Seabed Authority's rapidly developing the technical functions vested in it by part XI of the United Nations Convention. At the same time, while it would not usurp the functions of the other relevant global agencies, it could play a catalytic role in relation to such cognate aspects of the Convention as the exclusive economic zone, the continental shelf, the marine environment, marine scientific research and marine technology. Thirdly, the Belize delegation anticipates the continuation of the existing trend for the living resources to be managed on a regional basis. Hopefully, two features could become increasingly apparent in such regional mechanisms: First, each region would be as large as possible, in order to ensure against wasteful duplication and inequity and to encourage efficiency. Secondly, of regional agencies which are dealing with particular living species and which are proliferating might be replaced by regimes which are inclusive of diverse species. We hope that the incipient Association of Caribbean States, based, as it is, on one major marine area, will develop such a comprehensive structure.

Finally, this delegation must stress Belize's sincere determination to assist the international community in developing a rational law of the sea and an accompanying international maritime order. Our commitment derives from two factors.

The first factor is that Belize's maritime assets are unique and extraordinary: Belize has the world's second-longest coral barrier reef and a larger number of significant atolls than anywhere else in the Caribbean region. Around that reef, there is a natural archipelago of over 1,000 islands. Due to the nature of the reef and the islands, Belize's unusual baseline is actually several miles offshore. Of course, Belize still remains a small, poor country.

The second factor contributing to Belize's commitment is that Belize produces no minerals or petroleum. It therefore has a vital interest in the proper development and administration of marine areas — for the welfare of its citizens and for the good of mankind.

Mr. Martens (Germany): On behalf of the European Union and the adhering States, Austria, Finland and Sweden, I should like to join other delegations in expressing deep satisfaction at the entry into force of the United Nations Convention on the Law of the Sea on 16 November 1994. This event is the culmination of almost 30 years of work by the United Nations and will be recognized as a historic milestone in international relations and in the development of international law. We equally welcome the adoption on 28 July 1994 of the Agreement relating to the Implementation of Part XI of the Convention, which constitutes a complement necessary to achieving universal acceptance of the legal regime for the seas and oceans now established.

We would like to seize this opportunity to repeat the appeal we made at the first meeting of the International Seabed Authority in Jamaica for all States that have not yet done so to become parties to the Convention and the Agreement. This will ensure that we achieve the fundamental goal of universal application of the Convention, the goal towards the fulfilment of which the adoption of the Agreement has done so much to carry us. The European Union and its member States and the adhering States are all working towards becoming parties to the Convention and the Agreement.

Finally, I should like to stress our confidence in the Secretary-General's efforts to implement effectively the recommendations and decisions adopted, in accordance with the principles of cost-effectiveness and evolutionary approach as referred to in the Agreement of 28 July 1994, by the Preparatory Commission and by the States parties with respect to the establishment of the International Seabed Authority, the Commission on the Limits of the Continental Shelf and the International Tribunal for the Law of the Sea.

Mr. van Bohemen (New Zealand): This year's debate on the agenda item on the law of the sea is properly an occasion for celebration. This year — some 12 years after the adoption of the draft convention on the law of the sea, itself some 14 years in the making — we can celebrate at last the Convention's entry into force. Even more significantly, we can celebrate the fact that the Members of the United Nations were able this year to agree on adjustments to Part XI that should enable the widest possible adherence to the Convention. We salute the countries and the personalities that made that accommodation possible. In particular, we pay tribute to those countries that had already assumed the burdens of membership by ratifying the Convention, but were prepared to make accommodations in the interests of bringing on board those that had reservations about Part XI. We also wish to pay tribute again to Ambassador Satya Nandan of Fiji, who played a major role in shepherding those negotiations to a successful conclusion.

Already, as a result of the Agreement adopted in July, the pace of ratification has picked up significantly. In the case of New Zealand, ratification of the Convention is being examined with renewed urgency. For us, the principal issues for consideration do not include whether the Convention is in New Zealand's interests. That question was answered resoundingly in the affirmative at the time the Convention was adopted. Successive Governments since then have expressed their commitment to the Convention. But, given the financial implications of ratification, especially ratification of a Convention that did not enjoy the participation of the major budgetary contributors, we judged it prudent to proceed with caution until it was apparent that an accommodation would be reached on Part XI.

Those financial issues can now be considered against the perspective of the expected widespread adherence to the Convention. Accordingly, consideration can now be given to the other legal and administrative issues that must be addressed, either prior to ratification or subsequently.

Among the former set of issues — the legal issues — is the obvious one of ensuring that New Zealand's marine legislation is in conformity with the Convention, a process that is now under way. Among the latter — the administrative issues — the mapping of New Zealand's very extensive continental shelf so that we shall be in a position to lodge our coordinates with the boundary Commission, as required under the Convention.

For New Zealand, that exercise alone will entail a significant financial commitment. Accordingly, the process of ratification is not simple. But the question of our ratification of the Convention is now actively being pursued. We hope that we shall be in a position to enter full membership in the not too distant future.

It is natural that in recent years attention has focused on Part XI as the negotiations initiated by the Secretary-General have been in train. But, as a quick perusal of the Convention itself reveals, and as is confirmed by the breadth of material in the Secretary-General's report, there is much more to the Convention than Part XI. Indeed, for many countries, including New Zealand, Part XI, while a vital part of the package of the Convention, is of marginal significance. It deals with what we all now appreciate is a distant if not a hypothetical activity. It is the other aspects of the Convention that are of much greater significance for us in terms of our security, our access to resources and the well-being of our environment.

The benefits of the Convention have often been recalled, but they bear repeating again. For a coastal State such as New Zealand, which has extensive marine spaces and is heavily dependent on seaborne trade for its economic well-being, these include: the removal of potential conflicts over marine spaces and navigational rights; the recognition of our sovereignty over our 12-mile territorial sea and our continental shelf, including out beyond 200 miles, and our exclusive right to exploit the resources of the 200-mile exclusive economic zone; and clear rules regarding marine scientific research.

It is also very important to recall those parts of the Convention that deal with the areas beyond national jurisdiction. The Convention did not provide that those areas above the sea floor are the object of an international free-for-all. It recognized, for example, that States have a duty to cooperate in the conservation and management of the living resources of the high seas and in the protection of the marine environment.

Indeed, in the wake of the 1992 Conference in Rio de Janeiro, the emerging challenges to the law of the sea regime, in the environmental field, have become more prominent. These challenges are again highlighted in the Secretary-General's report, as are the various initiatives that have been taken at the regional and global levels in response. We are aware of and welcome the work being pursued under the auspices of the International Convention for the Prevention of Marine Pollution from Ships, the International Maritime Organization, the London Convention, the International Atomic Energy Agency and other forums to address the problems of marine pollution, hazardous wastes and radioactive wastes. These are all areas where the need to give further elaboration to the relevant legal regimes has been identified.

Another key example of the ongoing work to elaborate the law of the sea regime is the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, which is to resume — and, we hope, conclude — its work next year. Good progress has been made in the negotiations so far. We consider that the Chairman's text, which has been produced by Ambassador Satya Nandan, provides a sound basis on which to carry the work forward to a successful conclusion.

We recognize that various discussions in other, more technical bodies, such as the Food and Agriculture Organization of the United Nations, also touch on issues being addressed by the United Nations Conference. In our view, however, it is imperative that those discussions should not prejudice or cut across the negotiations at the Conference, which is the proper venue for addressing the fundamental political and legal issues that must be resolved.

As the Secretary-General's report makes clear, the law of the sea regime is a multifaceted one that touches on a vast range of issues affecting the marine environment. Many of those issues are of crucial importance to a large number of Member States. It is important, therefore, that this Organization have the resources to provide Member States with the information and assistance they need in addressing their interests in this complex of issues.

We have for many years been appreciative of the work of the law of the sea secretariat, which is now configured as the Division for Ocean Affairs and the Law of the Sea. The secretariat has provided valuable assistance across the range of issues with which it has been entrusted. We consider it most important that it be sufficiently resourced and properly structured to continue to provide this assistance, even as the institutions established under Part XI of the Convention come into being. We are grateful, therefore, that this aspect is appropriately reflected in the draft resolution before the Assembly, of which New Zealand is one of the sponsors.

Mr. Flores Olea (Mexico) *(interpretation from Spanish)*: We should like first to extend our thanks to the Secretary-General for the preparation of the report on the law of the sea that is now before the General Assembly. We should like to record our appreciation of such a clear and well-presented document.

On 16 November the international community witnessed a historic event — the entry into force of the United Nations Convention on the Law of the Sea. The pursuit of the goal of a codified legal regime for the oceans entered a new phase as this regime came fully into force for the States parties. We express our great pleasure and satisfaction at this important event.

Mexico was an enthusiastic participant in the inauguration of the work of the International Seabed Authority in Kingston, Jamaica. From this rostrum we extend our thanks to the people and Government of Jamaica for their warm hospitality and their painstaking commitment to ensuring the success of the inaugural meeting.

Since 1982, when the Convention was adopted and opened for signature, Mexico has striven to contribute towards its universality and that of the institutions emanating from it. Since that time we have been both steadfast and realistic in our activities in the various forums of the United Nations related to the law of the sea. We recognize the importance of making the Convention and its institutions universal. Once again, we call on those States that have not yet ratified or acceded to this valuable instrument of the international community to proceed to do so as soon as possible.

Mexico considers that the Agreement relating to the implementation of Part XI of the Convention, adopted by the General Assembly last 28 July, laid a solid foundation for making the Convention universal. Once there are stronger signs that the Agreement is meeting effectively the objective of achieving a more nearly universal participation in the Convention, Mexico will be able to sign it and, subsequently, to agree to be bound by it. In this context, as proof of our firm support for the Convention and eager to continue our contribution towards its universality, we have offered to be a sponsor of the draft resolution.

For my delegation, it is of the utmost importance to have an International Tribunal for the Law of the Sea established in accordance with the provisions of the Convention. We are pleased that at their ad hoc meeting, held in New York last 21 and 22 November, the States Parties to the Convention were able to achieve a consensus agreement on the date for holding the first election of members of the Tribunal.

Mexico joined the consensus in favour of postponing this first election, which we consider an exceptional, unique and final measure. The postponement will facilitate the broad representation in that organ of the main legal systems of the world and an equitable geographical distribution.

We wish to express our deepest appreciation for the work carried out through all these years by the Secretariat of the United Nations. The devotion and ability of the personnel of the Division for Ocean Affairs and the Law of the Sea has been essential in the smooth progress of activities related to the Convention and the work of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea. The Division's efforts to help the international community, particularly the developing countries, to achieve consistent implementation of the Convention and derive the greatest benefit from their marine resources deserve, without any doubt, our sincerest appreciation.

The Convention's entry into force puts new responsibilities on the shoulders of the Secretariat. In this regard, it will be necessary to adapt and rearrange the resources assigned to the Secretariat so that it will be able to fulfil in the best possible way the new functions and responsibilities imposed on it by the Convention.

For Mexico it is extremely important to have a Division within the United Nations that provides orderly and systematic follow-up to the evolution of the law of the sea and to the work of other organs and bodies of the United Nations system. In this way we would ensure the consistent implementation of the provisions of the Convention.

Today, in addition to continuing to contribute to the better understanding of the Convention and its future challenges, the Division for Ocean Affairs and the Law of the Sea will have to give its best effort to promoting the optimum utilization of marine resources by all States so that the riches of the sea are exploited equitably and efficiently and in conformity with the objectives we all share in the area of sustainable development.

Mr. Bhakta (India): The consideration of the agenda item on the law of sea in the plenary Assembly today is particularly significant since we are meeting after the entry into force of the United Nations Convention on the Law of Sea. The United Nations can be justifiably proud of this singular achievement.

Last month the Government of Jamaica hosted the first meeting of the International Seabed Authority, for which I would like to convey my Government's sincere appreciation.

India believes that the codification of the law of the sea achieved in the United Nations Convention will contribute to the strengthening of cooperation and friendly relations among all nations, in conformity with the principles of justice and equal rights, and will promote the economic and social advancement for all people of the world.

We in India are particularly interested in the United Nations Convention on the Law of Sea for we believe that its scope and approach are comprehensive and intended to promote peaceful use of the seas and oceans, equitable and sustainable utilization of their resources and protection and preservation of the marine environment.

India is a registered pioneer investor under resolution II of 30 April 1982 and has been allotted a mine site in the central Indian Ocean. We hope the setting up and functioning of organs and subsidiary bodies of the International Seabed Authority will facilitate the development, acquisition and transfer of ocean-related technology, in particular deep-seabed-mining technology. We also hope that the provisions of the Convention and the Agreement relating to the implementation of Part XI will provide an opportunity for scientific and technological cooperation between developed and developing nations.

The United Nations Convention on the Law of the Sea is the result of a long and painstaking process of negotiations. My delegation hopes that the spirit of understanding and cooperation which enabled the Convention to come into force will be forthcoming as we begin the process of implementing its provisions. India is one of the original signatories of the Convention and has also signed the Agreement pertaining to Part XI. My Government has initiated the process of ratification, and we intend to accelerate this process. Until such time as India formally ratifies the United Nations Convention on the Law of the Sea, we will cooperate and play a constructive role in the functioning of the International Seabed Authority. We would also be interested in securing our place in the decision-making organs of the Authority.

Before concluding, I would like to take this opportunity to thank the Secretary-General for his report (A/49/631) on this agenda item.

Mr. Kalpagé (Sri Lanka): Since the signing, almost 12 years ago to the day, of the Convention on the Law of the Sea at Montego Bay, Jamaica, the international community has ventured far. A comprehensive legal regime to govern rationally the use and management of the oceans has now come into effect. Fundamental to the complex and balanced network of agreements governing all aspects of the use of the oceans has been the acceptance of the principle that its resources outside national jurisdiction constitute the common heritage of mankind.

Unlike outer space, the threshold of which humanity has barely crossed, the oceans have for centuries been very much in use, both in times of peace and in times of conflict. Some of the earliest rules affecting relationships between nations and peoples have been in respect of the seas. The Convention which has now entered into force has gone well beyond merely codifying traditional or historical practices. It is a far cry from setting laws on the basis of the distance travelled by a cannon ball.

New concepts have evolved in response to new situations. The concept of the 200-mile exclusive economic zone, for example, has been commented on by the International Court of Justice as a concept which has assumed the nature of customary international law, despite its relatively recent development. The Convention has also been able to take cognizance of geophysical particularities. Thus, principles incorporated in the Convention provide for delimitation of continental margins. In the case of Sri Lanka, for example, these have given to its people rights to extensive areas of the continental shelf for the exploitation of natural resources.

A long history of negotiations covering virtually every aspect of humanity's interaction with the oceans stands behind the Convention. Sri Lanka was a co-sponsor with Malta in 1967 of General Assembly resolution 2340 (XXII), which was the first resolution on the peaceful uses of the oceans and the ocean floor and the harnessing of their resources for the benefit of mankind. Sri Lanka has been fully supportive of the process leading to the Convention and was honoured to serve as Chairman of the United Nations Seabed

Committee and subsequently as President of the third United Nations Conference on the Law of the Sea.

Whatever the history of its evolution, the Convention marks more than the culmination of a successful negotiating process: it also marks, in an equally important sense, the beginning of a process, indeed an even more difficult process. The Convention must guide the international community's use of the resources of the ocean in a manner that is rational and just and one that would help sustain and develop, rather than squander, that wealth. One can hardly overemphasize the vital importance of the full and effective implementation of the Convention and its uniform and consistent application in all its aspects.

Three institutions vital for its implementation result from the Convention. The International Tribunal for the Law of the Sea, when set up, will play a central role in the peaceful resolution of disputes under the Convention. The Commission on the Limits of the Continental Shelf, to be set up later, is of interest to Sri Lanka given its special circumstances in regard to its continental margin. The establishment of the International Seabed Authority provides an institutional basis for the Convention and will develop in response to the demands made on it, in particular to help ensure the benefits of seabed resources for all.

The opportunity now exists, through this emerging global framework, for cooperative and efficient management of the oceans. All this requires, however, a major political commitment by all Governments, developed as well as developing. What a cooperative and mature approach can achieve has already been seen in a consensus reached on the Agreement for the Implementation of Part XI of the Convention. The same spirit must animate our efforts in the years to come.

The potential of the oceans is vast. Yet many developing countries, including Sri Lanka, which, as an island, has been blessed with significant marine areas under its jurisdiction for development, require technical and other means to tap this potential for the benefit their people. National, subregional and regional efforts to give practical effect to the Convention have become particularly vital. Such efforts are in complete harmony with the spirit and scope of the Convention.

The basic premise underlying such efforts was clarified in the resolution on the development of national marine-science technology and ocean service infrastructure adopted at the law of the sea Conference. In this context, the proposal for the Indian Ocean Marine Affairs Cooperation (IOMAC) was initiated by Sri Lanka in concert with a number of developing countries. IOMAC was a practical response to the 1982 Convention's call for regional cooperation. It encompasses a major ocean basin with 35 countries participating in its work. This is a practical endeavour in regional cooperation in which the participation of major maritime users and developed countries is both essential and welcome, particularly in the field of marine science and technology. The cooperation envisaged would go beyond the traditional donor-recipient relationships and seek to promote mutually beneficial partnerships, including in joint ventures. Through its Technical Cooperation Group, IOMAC provides practical mechanisms for promoting such cooperation.

The United Nations can proudly count the Convention on the Law of the Sea as one of its major contributions to global peace and development. The Organization's operational responsibilities in one sense have now been clarified following the adoption of the Convention and its entry into force. The draft resolution in document A/49/L.47 indicates the extent of the enhanced role of the Secretary-General and the United Nations in bringing the benefit of the law of the sea to all nations. Particular emphasis should be placed on assisting developing countries not only in reaping the benefits of the Convention but also in fulfilling obligations under it. The Organization needs to respond to requests of States, particularly developing States, for advice and assistance as well as to identify additional sources of support for national, subregional and regional efforts to implement the Convention. Similarly, other international organizations as well as development and funding institutions need to take into account, in their programmes and activities, the needs of States, especially developing States, for technical and financial assistance.

Given the complexity of the functions to be executed by the United Nations and in particular the Division for Ocean Affairs and the Law of the Sea, we look forward with interest to studying the reports to be submitted annually on developments relating to the law of the sea and the implementation of this resolution. The reports would help Member States monitor and review the vital process of implementation of the Convention in all its aspects. Sri Lanka is confident that the Secretary-General, the Office of the Legal Counsel and the Secretariat Division concerned will maintain the ongoing dialogue with developing countries.

We thank the Representative of Fiji for introducing the draft resolution contained in document A/49/L.47, which Sri Lanka is pleased to co-sponsor. Ambassador Satya Nandan's work in coordinating consultations on the draft and guiding it to consensus deserve our gratitude.

Finally, let me refer to the Hamilton Shirley Amerasinghe Memorial Fellowship set up to honour the memory of the former Sri Lanka Permanent Representative and President of the Third Conference on the Law of the Sea. The Fellowship seeks to promote study and research in the field of the law of the sea and the acquisition and wider application of additional knowledge in the field. Due to resource constraints, the Fellowship has been unfortunately constrained to use up its capital rather than, as originally envisaged, the annual income derived therefrom. In a modest way, Sri Lanka has sought to support this worthy endeavour. We strongly urge Member States to contribute to the further development of this worthy fellowship programme.

I would like to conclude by quoting a sentence from the address made by Ambassador Amerasinghe at the opening meeting of the Third United Nations Conference on the Law of the Sea. These words relate to his vision of the Convention, which we need to implement:

> "A convention ensuring a generally acceptable, stable and durable law of the sea not only would be a monument to the patience, perseverance, diplomatic skill and spirit of fraternal cooperation of the participants and the States they represented, but would also honour the highest ideals of the Charter and other international legal instruments which have sought to express the aspirations and yearnings of all peoples of the world."

Mr. Wibisono (Indonesia): The entry into force of the United Nations Convention on the Law of the Sea last month is a historic milestone in consolidating law and order governing oceans and the seas. Indonesia was indeed pleased to participate on that auspicious occasion of the first meeting of States parties, which was convened in Kingston, Jamaica, on 16 November 1994. This significant event heralds a new era in promoting cooperation between States in harnessing the vast oceanic resources with a view to sustainable development benefiting all mankind.

My delegation wishes to acknowledge the perseverance of the whole international community in overcoming the obstacles to achieving universal participation in the Convention. The adoption in July 1994 of the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea was the successful outcome of four years of arduous consultations convened by the Secretary-General of the United Nations, which brought us to a final consensus on the outstanding issues.

Indonesia, as an archipelagic State and one of the Convention's most ardent supporters, has always attached great importance to this legal instrument. For it is the only comprehensive treaty governing all aspects of the various uses of the seas and their resources, whether they be strategic, political or economic. It is thus fitting to recall that the role of this historic international legal order is in keeping with the loftiest ideals of justice and respect for the rights and interests of every nation and its peoples.

Permit me now to comment briefly on the reports of the Secretary-General contained in documents A/49/631, A/49/469 and A/49/522, concerning the law of the sea.

We are pleased to note that States have continued to modify their legislation to reflect the provisions of the Convention. Indonesia, on its part, has since ratification of the Convention continued to update and review its national legislation in accordance with the principles of the new global order. These have included the archipelagic-State concept, the exclusive economic zone, marine scientific research, and preservation and protection of the environment.

At the regional level, Indonesia and members of the Association of South-East Asian Nations (ASEAN) have been actively engaged in promoting cooperation to foster peace and stability in our immediate environment. For example, we have been participating in informal talks to harmonize and coordinate policies in the South China Sea with a view to extending regional cooperation to that area as well.

In this connection, Indonesia was pleased to host the recent fifth workshop on managing potential conflict in the South China Sea, at Bukittinggi on 26 October 1994. We are deeply gratified by the progress achieved towards transforming the South China Sea from an area of potential conflict to one of cooperation, in particular in the field of economic cooperation and development. Further, during the last few years, there has been a growing trend towards *rapprochement* among the South China Sea States, and we are hopeful that that trend will continue to grow.

As the Secretary-General's report aptly points out, the entry into force of the Convention has focused attention, not only on the strengthening of international law in this area, but also on promoting general support for the implementation of Agenda 21. In this regard, this legal instrument, because of its important contribution to the maintenance of peace, justice and progress for all peoples of the world, is to be an indispensable common underpinning for the three "Agendas": the Agenda for Peace, the Agenda for Development and Agenda 21.

The three intergovernmental conferences — on straddling fish stocks and highly migratory fish stocks, on small island developing States, and on the protection of the marine environment from land-based activities — have objectives identical with strengthening the implementation of the Convention and related instruments, and with furthering international cooperation in ocean affairs at the global and regional levels.

The problems associated with high-seas straddling fish stocks and highly migratory fish stocks were not new to Member States. Delegations at the Third United Nations Conference on the Law of the Sea were very much aware of such issues. However, their attempts to resolve these problems effectively during the course of the negotiations that concluded in 1982 were not successful. Rather it was decided to leave their resolution to the States concerned with this issue in the various regions. During the last decade, the pressure on high-seas fisheries has grown rapidly and the urgency of resolving the problem has become more immediate. Renewed opportunity to do so emerged when the United Nations Conference on Environment and Development agreed to convene an intergovernmental conference under the auspices of the United Nations to promote the effective implementation of the law of the sea on straddling and on highly migratory fish stocks.

In this regard, the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was charged with finding answers to problems such as inadequate management of high-seas fisheries, overutilization of certain stocks, unregulated fishing, overcapitalization, excessive fleet size, insufficient selection of gear and, more important, the acute lack of sufficient cooperation between States. At its fourth session, the Conference produced the revised version of a text entitled "Draft agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks" (A/CONF.164/22). That draft agreement should serve as a basis for future negotiations at the Conference and provide the framework for achieving compromise on the issues involved.

The convening of the Global Conference on the Sustainable Development of Small Island Developing States was a recognition of the fact that the geographical isolation of these small territories placed them in a particularly vulnerable position. The danger to their environment continues to escalate owing to the impact of potential climate change and of sea-level rise. Moreover, the frequency of natural disasters has had a negative impact on socio-economic development. Thus, the programmes call for cooperation at the regional and national levels, especially in the protection of coastal and marine resources. It is hoped that these adverse trends will be reversed and that it will be possible to pave the way for sustainable development in small island developing States.

There is growing concern about the degradation of the marine environment from land-based activities. In this connection, chapter 17, paragraph 17.24, of Agenda 21 emphasizes that in order to deal with these activities, it is necessary to implement integrated management and sustainable development of coastal and marine areas, including exclusive economic zones. Indonesia, with the longest coastline in the world, is deeply concerned about the potential disastrous impact both of global warming and of a rising sea level. We therefore enthusiastically support the conclusion of the United Nations Framework Convention on Climate Change, and we are pleased to be among its first signatories.

My delegation would like to express its appreciation to the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs. Over the years, it has played a vital role in coordinating various matters related to the Convention and in providing guidance to Member States on its uniform application. We are confident that the Secretariat will continue its good work.

Finally, it is pertinent to note the relevant conclusions of the Eleventh Ministerial Conference of the Movement of Non-Aligned Countries, held at Cairo from 31 May to 3 June 1994, which, *inter alia*, reiterated the importance of the Convention to the aspirations of the Movement's member countries and stressed the need for its universal acceptance through early ratification or accession. Indonesia reaffirms its support towards this end.

As in previous years, Indonesia is pleased to be among the sponsors of the draft resolution on this agenda item, and hopes that all members of the General Assembly will lend their support.

Programme of work

The President (*interpretation from French*): I wish to inform representatives that this afternoon an important recorded vote will be taken following the debate on agenda item 35. I therefore request representatives to be present in the General Assembly Hall at 3 o'clock sharp.

The meeting rose at 1 p.m.